

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CONNIE MCGIRR, et al.,

Plaintiffs,

v.

Case No. 16-464

THOMAS F. REHME, et al.,

Defendants.

ORDER DENYING MOTION FOR LEAVE TO FILE DEPOSITIONS UNDER SEAL

Pending before the court is Plaintiffs' Motion for Leave to File Depositions Under Seal. (Dkt. # 55.) Plaintiffs seek to seal three depositions "pursuant to the terms of the Protective Order (Doc. 46);" despite their admission that the depositions do not contain confidential information, they seek to file documents under seal "out of an abundance of caution." (Dkt. # 55, Pg. ID at 1122.) The referenced protective order provides no automatic right to file sealed documents, and the court concludes that Plaintiffs have not met their heavy burden in justifying the non-disclosure of judicial records. *See In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 476 (6th Cir. 1983). Accordingly, the court will deny the Motion.

The court's protective order provides no basis for Plaintiffs' request. While protective orders are generally broad in nature and often readily granted, the decision to seal a document involves very different and weightier considerations: "[u]nlike information merely exchanged between the parties, '[t]he public has a strong interest in obtaining the information contained in the court record.'" *Shane Group, Inc. v. Blue*

Cross Blue Shield of Mich., — F.3d — (6th Cir. 2016), 2016 WL 3163073, at *3 (citing *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1180 (6th Cir. 1983)). A party seeking to seal documents may do so only by overcoming the long-recognized and “strong presumption of openness” as to court records. *Brown & Williamson*, 710 F.2d at 1179. The moving party bears the burden of overcoming the presumption of openness and can do so only by providing “the most compelling reasons” for non-disclosure. *Shane Group*, 2016 WL 3163073, at *3. Plaintiffs admit that none of the information contained in the depositions is confidential and seek to seal the material only “out of an abundance of caution.” Such a showing is insufficient to justify sealing the documents. Accordingly,

IT IS ORDERED that Plaintiffs’ Motion for Leave to File Depositions Under Seal (Dkt. # 55) is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 25, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 25, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522